

Board Administration and Regulatory Coordination Unit

Division 3. Air Resources Board

Chapter 1. Air Resources Board

Subchapter 1.25. Administrative Procedures–Hearings

Article 4. Administrative Hearing Procedures for Review of Citations

Subarticle 1. General Provisions

§ 60075.3. Time Limits; Computation of Time.

(a) All actions required pursuant to these rules shall be completed within the times specified in these rules, unless extended by the hearing officer upon a showing of good cause, and after consideration of prejudice to other parties. Requests for extensions of time for the filing of any pleading, letter, document, or other writing must be received in advance of the date on which the above is due to be filed and should contain sufficient facts to establish a reasonable basis for the relief requested.

(b) In computing the time within which a right may be exercised or an act performed, the day of the event from which the designated right or act begins shall be excluded and the last day shall be included. If the last day falls on a Saturday, Sunday, or a state holiday, time shall be extended to the next working day.

(c) In computing time, the term “day” means calendar day.

(d) Unless otherwise indicated by proof of service, the mailing date shall be presumed to be the postmark date appearing on the envelope if first-class postage was prepaid and the envelope was properly addressed.

(e) Where service of any pleading, letter, document, or other writing is by mail, overnight delivery, or by facsimile transmission (fax), pursuant to section 60075.4(b), and if within a given number of days after such service, a right may be exercised, or an act is to be performed, the time within which such right may be exercised or act performed shall be extended as provided in section 60075.4(b). Such extensions shall not apply to extend the time for requesting a hearing pursuant to section 60075.17 of these rules.

(f) Papers received by the hearing office during regular business hours (8 a.m. to 5 p.m.) will be filed on that day. Papers received at times other than regular business hours will be filed on the next regular business day.

NOTE: Authority cited: Sections 39600, 39601, 43028, 43031(a) and 44011.6(m), Health and Safety Code. Reference: *Mathews v. Eldridge*, 424 U.S. 319 (1976); and Sections 43028, 43031(a) and 44011.6, Health and Safety Code.

REFERENCE